



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

VIA ELECTRONIC MAIL

Sloane Six
President
Artex, Inc.
Fairview Street, Intersection of Routes 54 and 1020
Barnesville, PA 18214
ssix@hazletonoil.com

Re: Request for Information Pursuant to Section 308(a) of the Clean Water Act, 33 U.S.C. § 1318(a) and Section 114 of the Clean Air Act, 42 U.S.C. § 7414(a).

Dear Ms. Six:

As a follow-up to the Request for Information ("RFI") letter sent to Artex, Inc. on January 11, 2021 that was responded to by Artex, Inc. in a letter dated March 30, 2021, the United States Environmental Protection Agency ("EPA") hereby requires Artex, Inc. located at Fairview Street, Intersection of Routes 54 and 1020, Barnesville, PA 18214 ("the Facility") to provide additional information. EPA requires this information as a part of an ongoing investigation of the Facility pursuant to the Clean Water Act ("CWA"), 33 U.S.C. § 1251, et seq., and the Clean Air Act ("CAA"), 42 U.S.C. § 7410.

EPA seeks the information pursuant to its authorities under, Section 308(a) of CWA, 33 U.S.C. § 1318(a), and Section 114 of the Clean Air Act, 42 U.S.C. § 7414(a) as well as all regulations promulgated pursuant thereto. The information provided by the Facility may be used by EPA in administrative, civil, and criminal proceedings.

The required information must be submitted to EPA **within thirty (30) calendar days** from the receipt of this letter. All responses shall be submitted electronically to Isabella Powers, Inspector, Air, RCRA and Toxics Branch (3ED21), Enforcement and Compliance Assurance Division at powers.isabella@epa.gov.

Additionally, all information submitted in response to this request must be certified as true, correct, accurate, and complete by an individual with sufficient knowledge and authority to make such representations on behalf of Artex, Inc. In your response, please include the signed and dated certification contained in Enclosure 4.

Failure to provide the requested information under the various statutes may result in the issuance of orders requiring compliance, the imposition of civil or administrative penalties, or the imposition of criminal fines or penalties. Please refer to Section 309(g) of CWA, 33 U.S.C. § 1319(a), and Section 113 of the Clean Air Act, 42 U.S.C. § 7413. In addition, this required submission of information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501, et seq.

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Under 40 C.F.R. Part 2, Subpart B, you may assert a claim of business confidentiality for any portion of the submitted information. You must specify the page, paragraph, and sentence when identifying the information subject to your claim. Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth in 40 C.F.R. Part 2, Subpart B. If a claim of business confidentiality is not asserted when the information is submitted to EPA, EPA may make this information available to the public without further notice to you. You must clearly mark such claimed information by either stamping or using any other such form of notice that such information is a trade secret, proprietary, or company confidential. To best ensure that your intent is clear, we recommend that you mark as confidential each page containing such claimed information. Please see Enclosure 6, *Disclosure of Your Response to EPA Contractors and Grantees*, for more information regarding a claim of business confidentiality.

If you have any questions concerning this matter, please contact Isabella Powers, Inspector by phone at (215) 814-2110 or by e-mail at powers.isabella@epa.gov. Additionally, please visit the small business resources information sheet for assistance and information at <https://www.epa.gov/compliance/small-business-resources-information-sheet>.

Sincerely,

Karen Melvin, Director
Enforcement & Compliance Assurance Division

Enclosures:

1. Instructions, Definitions, and Disclosures
2. CAA Requested Information
3. CWA SPCC Requested Information
4. CWA NPDES Requested Information
5. Statement of Certification
6. List of EPA Contractors (rev. 07/2020)

cc: Susan Foster, PADEP (Sufoster@pa.gov)
Theia Hofstetter, PADEP (thhofstett@pa.gov)
Robert Kachonik, PADEP (rkachonik@pa.gov)
Kris Shiffer, PADEP (kshiffer@pa.gov)

Enclosure 1 – Instructions, Definitions, and Disclosures

Instructions

1. Please provide a separate narrative response to each question and subpart of a question set forth in this Information Request. If you cannot provide the information requested or provide a complete response to a question, please provide an explanation. If you do not understand what a question is requesting, please feel free to contact EPA's designated technical point of contact in advance of the response deadline for this Information Request to obtain clarity on the requested item.
2. Precede any answer with the number of the question to which it corresponds.
3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you may supplement your response to EPA. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide EPA with a corrected response.
4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the question to which it corresponds.

Definitions

The following definitions shall apply to the following words as they appear in this Information Request.

1. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, successors, assigns, and agents.
2. The term "Facility" shall mean the facility on or about the site referenced in the address label.
3. As defined in 40 C.F.R. § 112.2, a "Discharge" includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping of oil, but excludes discharges in compliance with a permit under section 402 of the CWA; discharges resulting from circumstances identified, reviewed, and made a part of the public record with respect to a permit issued or modified under section 402 of the CWA, and subject to a condition in such permit; or continuous or anticipated intermittent discharges from a point source, identified in a permit or permit application under section 402 of the CWA, that are caused by events occurring within the scope of relevant operating or treatment systems. For purposes of this part, the term discharge shall not include any discharge of oil that is authorized by a permit issued under section 13 of the River and Harbor Act of 1899 (33 U.S.C. 407).
4. Navigable waters of the United States means "navigable waters" as defined in section 502(7) of the CWA and 40 C.F.R. § 112.2 as "waters of the United States." Further defined in 40 C.F.R. § 120.2, "waters of the United States" includes: (1) the territorial seas, and waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including waters which are subject to the ebb and flow of the tide; (2) Tributaries; (3) Lakes and ponds, and impoundments of jurisdictional waters; and (4) Adjacent wetlands.

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Disclosure of Your Response to EPA Contractors and Grantees - EPA may contract with one or more independent contracting firms to review the documentation, including documents which you claim are confidential business information (CBI), which you submit in response to this information request, depending on available agency resources. Additionally, EPA may provide access to this information to (an) individual(s) working under (a) cooperative agreement(s) under the Senior Environmental Employment Program (SEE Enrollees). The SEE program was authorized by the Environmental Programs Assistance Act of 1984 (Pub. L. 98-313). The contractor(s) and/or SEE Enrollee(s) will be filing, organizing, analyzing and/or summarizing the information for EPA personnel. The contractors have signed a contract with EPA that contains a confidentiality clause with respect to CBI that they handle for EPA. The SEE Enrollee(s) is (are) working under a cooperative agreement that contains a provision concerning the treatment and safeguarding of CBI. The individual SEE Enrollee has also signed a confidentiality agreement regarding treatment of CBI. Pursuant to Section 308(b) of the CWA, 33 U.S.C. §1318(b), EPA may share such CBI with EPA's authorized representatives, which include contractors and cooperators under the Environmental Programs Assistance Act of 1984. (See 58 Fed. Reg. 7187 [1993]). If you have any objection to disclosure by EPA of documents which you claim are CBI to any or all of the entities listed, you must notify EPA in writing at the time you submit such documents.

Enclosure 2 – CAA Requested Information

All terms used in this section will have their ordinary meaning unless such terms are defined in the Act, 42 U.S.C Section 7410 or 40 C.F.R. Part 60, Part 61, or Part 63.

1. Provide the following information for each combustion source (engine, boiler, or process heater) at the facility:
 - a. Emission unit ID, description of make, model, serial number, and model year;
 - b. Purpose of the unit (process heat, comfort heat, etc);
 - c. Construction or installation dates; separately list any unit that is considered reconstructed and provide the reconstruction date;
 - d. Horsepower and capacity in kW and heat input capacity of the boiler in mmBTU;
 - e. Type of fuel source (i.e. natural gas, diesel, etc);
 - f. Fuel use records for each individual combustion source, on a monthly basis for years 2018 to present;
 - g. Indicate whether the unit undergoes a shutdown for a period of at least 7 months of the year;
 - h. Indicate whether the unit is required to have a permit under section 3005 of the Solid Waste Disposal Act;
 - i. Height of the exhaust stack on the unit (if applicable);
 - j. Dates and records of tune-ups;
 - k. Dates and records of energy assessments including the number of hours spent on the assessment;
 - l. Performance test reports, continuous opacity monitoring system (COMS) data, continuous parametric monitoring system (CPMS) records or continuous emissions monitoring system (CEMS) data; and
 - m. Records of submitted initial notification or notification of compliance status reports under 40 Code of Federal Regulations, Part 63, Subpart JJJJJ—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources.
2. Separate from the list provided in response to #1 above, provide a list of all other non-combustion sources, their dates of installation, and corresponding pollutants emitted.

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3. Does the facility utilize an oxygen trim system? If an oxygen trim system is used, please indicate the most recent oxygen set point dictated by the tune-up records.
4. Which NAICS (North American Industry Classification System) and SIC (Standard Industrial Classification) codes apply to the facility and under which Statutes?
5. Provide the total annual uncontrolled emissions (in tons/year) of hazardous air pollutants (HAPs), volatile organic compounds (VOCs), sulfur oxides (SO_x), carbon monoxide (CO), nitrogen oxides (NO_x), particulate matter (PM) from each emissions unit or source, both and for the facility as a whole for the time period from January 1, 2015 to the present. Include all calculations, assumptions and emission factors used to determine total potential to emit (uncontrolled emissions). If actual data is not available, provide the best available estimate with supporting information on all calculations and assumptions used.
6. Provide Safety Data Sheets (SDSs) for all solvents used in parts washers owned and/or operated by the facility (if applicable).
7. Provide a list of all the tanks on site including tank type (fixed or floating roof), capacity in gallons, contents information, build date, pressure (in kPa), most recent tank inspection date, and control devices (if applicable).
8. Provide a list of all entities that are affiliated with Artex, Inc. including their addresses and telephone numbers. Describe the business relationships between all entities and provide copies of all agreements with those entities. Include a description of both formal and informal agreements, financial inter-relationships, overlap of officers and directors, and any business practices that exist between these entities. For each entity identified, list any and all name variations or business aliases used. Provide a corporate organizational chart showing all of Artex, Inc.'s affiliates.
 - a. For Artex, Inc. and each of the entities described, provide certificates of good standing, articles of incorporation, by-laws, and partnership or membership agreements, as applicable.
 - b. For Artex, Inc. and each of the entities described, provide a list of each entity's officers, directors, shareholders, members, managers, and partners, as applicable.
 - c. For Artex, Inc. and each of the entities described, provide the entity's net worth or net assets, and annual sales revenue.
 - d. For Artex, Inc. and each of the entities described, provide the address(es) of any location(s), from January 1, 2018 to present, where the entities have operated.
 - e. If corporate changes occurred between January 1, 2018, and the present, including but not limited to changes related to acquisitions, reorganizations, or mergers, describe such changes in narrative form.

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Enclosure 3 – CWA Spill Prevention, Control, and Countermeasure (“SPCC”) Requested Information

CWA SPCC Questions:

1. Please provide a copy of the facility’s Spill Prevention, Control, and Countermeasure (SPCC) Plan
2. Has the facility’s Facility Response Plan (FRP) been revised since August 2018? If so, please provide a copy of the most recent version of the FRP.

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Enclosure 4 – CWA National Pollution Discharge Elimination System (“NPDES”) Requested Information

EPA acknowledges that the March 30, 2021 response from Ms. Sloane Six contains the current active permit (“PAG-03 General Permit For Discharges Of Stormwater Associated With Industrial Activity” with “Sample” watermark). Please provide the following documents and information required under this permit in chronological order, from September 30, 2016 to the present:

1. All Annual Reports required under Part A.III.C.1. of the Permit. If Annual Reports have not been conducted and documented, explain why they were not conducted or documented.
2. All Routine Inspections, including semiannual visual inspections required under Part C.III.A. and B. of the Permit. If Routine Inspections have not been conducted and documented, explain why they were not conducted or documented.
3. Benchmark Monitoring required under Part C. V. G. and included in Appendix L Section IV of the Permit. If Benchmark Monitoring has not been conducted and documented, explain why they were not conducted or documented.
4. All Corrective Action Plans required under Part C. V. G. of the Permit for exceedances of benchmark values contained in Appendix L. Section IV of the Permit. If a benchmark value was exceeded, but a Corrective Action Plan has not been conducted and documented, explain why any such report was not conducted or documented.
5. Records of Operation and Maintenance identifying the dates when solids and petroleum products are removed from the oil/water separator required under Appendix L Section V.C.3.d. of the Permit. If Records of Operation and Maintenance have not been documented, explain why they were not conducted or documented.

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Enclosure 5 – Statement of Certification

[This Certification is for signature by the president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or another executive with authority to perform similar policy or decision-making functions of the corporation.]

Barnesville, PA Bulk Petroleum Storage Plant is submitting the enclosed documents in response to the U.S. Environmental Protection Agency's ("EPA") request for information, issued pursuant to Section 9005(a) of the RCRA Subtitle I, Section 3007 of the RCRA Subtitle C, Section 308(a) of CWA, and Section 114(a) of the Clean Air Act, to determine whether the facility is in compliance with the Acts.

I certify that I am fully authorized by Barnesville, PA Bulk Petroleum Storage Plant to provide the above information on its behalf to EPA.

I certify under penalty of law that I have personally examined and am familiar with the statements and information submitted in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true, correct, accurate and complete. I am aware that there are significant penalties for submitting false statements and information, or omitting required statements and information, including the possibility of fines and imprisonment for knowing violations.

Date: _____

Name (Printed): _____

Signature: _____

Title: _____

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Enclosure 6 - List of EPA Contractors (rev. 07/2020)

Emergint Technologies, Inc.

Contract # EP-W-11-025

Subcontractor: Booz-Allen & Hamilton

Booz-Allen & Hamilton

Contract # EP-W-11-016

CDM-Federal Programs Corporation

Contract # EP-S3-07-06

Subcontractors: CDI-Infrastructure, LLC
d/b/a L.R. Kimball
Avatar Environmental LLC
Terradon Corporation

Walga MTE, LLC

Contract #68HE0320D0001

EA Engineering, Science and Technology, Inc.

Contract #EP-S3-07-07

Subcontractor: URS

Eisenstein Malanchuck, LLP

Contract #EP-W-13-006

Subcontractors: R. M. Fields
International, LLC

Hydrogeologic (HGL)

Contract #EP-S3-07-05

Subcontractor: CH2MHill
Sullivan International

Weston Solutions

Contract #EP-S3-1502

National Older Workers Career Center

CA# Q-835621

Tech Law, Inc. (Removal Program)

Contract #EP-S3-1503

Tetra Tech NUS, Inc.

Contract #EP-S3-07-04

Kemron Environmental Services, Inc.

Contract #EP-S3-12-01,

Subcontractor: AECOM Technical Services, Inc.

Guardian Environmental Services Company, Inc.

Contract #EP-S3-12-02,

Subcontractors: Aerotek, Inc.,
Tetra Tech, Inc.

Environmental Restoration, LLC

Contract # EP-S3-12-03

Subcontractors: Aerotek, Inc
Haas Environmental, Inc,
Hertz

Northstar Federal Services, Inc.

Contract # EP-S3-12-05

ICF International

Contract # EP-BPA-12-W-0003

Cooperative Agreements

National Association of Hispanic Elderly

CA# CQ-835398